

REMARKS

Claims 1-53 were rejected in the Final Office Action dated January 30, 2009. Claims 1, 23, and 37 are currently amended. Claims 24 and 38 are canceled without disclaimer.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 5, 7-14, 19-23, 25, 28-31, 36-37, 41-44 and 49 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,285,048 to Karmarkar ("Karmarkar") in view of U.S. Patent Publication No. 2003/0092489 to Veradej ("Veradej").

Claims 2-4, 6, 15-18, 24, 26-27, 32-35, 38-40, 45-48 and 50-53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Karmarkar in view of Veradej, and further in view of U.S. Patent Publication No. 2003/0139190 to Steelberg et al. ("Steelberg").

Independent claim 1 has been amended, and recites, in pertinent part “obtaining, with a verification device independent from the remote gaming terminal, personal information regarding said specific player from said specific player via a second mode of communication during or immediately prior to the play of a wager-based game at said mobile remote gaming terminal, said second mode of communication being separate and distinct from said first mode of communication.”

It is respectfully submitted that Karmarkar, alone or in combination with Veradej, fails to teach at least the claim 1 limitation, as amended, of “obtaining, with a verification device independent from the remote gaming terminal, personal information regarding said specific player from said specific player via a second mode of communication during or immediately prior to the play of a wager-based game at said mobile remote gaming terminal, said second mode of communication being separate and distinct from said first mode of communication.”

The basis of the Examiner’s rejection indicates that one wired connection is a different mode of communication than another wired connection:

...via a wired connection (first mode of communication) and a remote on-site portable player station, which is located onsite from the casino, via a different wired connection (second mode of communication) over the internet server...”Office Action at page 4.

This interpretation of the teachings of Karmarkar is untenable. It is unsupported by the plain meaning of the term and by the specification. For example, according to the Examiner’s logic, a first car is a different mode of transportation than a second car. This flies in the face of the commonly accepted meaning of the term “mode.” Continuing this example, while a train or a plane is a different mode of transportation than a car, a car is not a different mode of transportation than a car. Likewise, a first internet connection is not a different mode of communication than a second internet connection.

To emphasize this point, claim 1 has been amended to recite “said second mode of communication being separate and distinct from said first mode of communication.”

Although Veradej is introduced in combination with Karmarkar for the proposition of “a second communication device that communicates with a server to provide visual images of the player...” (Office Action at page 5) Veradej also teaches an Internet connection as the mode of communication.

Contrary to the Examiner’s assertions, Veradej does not teach usage of both a first and second mode of communication. Veradej teaches a single communication path from PC 10 to gaming server 26: a global computer network such as the internet 22. See e.g. FIG. 1 and paragraph 24. Veradej teaches that in place of PC 10, other devices could be used:

[0024] An interactive gaming player can access a global computer network such as the Internet from a personal computer. It is contemplated in accordance with the present invention that other devices, such as a personal digital assistant, wireless telephone, or pager, can also be used to access the Internet. Therefore, although the discussion below refers, for simplicity, to a personal computer for accessing the Internet, it should be understood that such other devices may also be used.

After having introduced Veradej, and despite having indicated that a first wired connection is a first mode of communication and a second wired connection is a second mode of communication, as discussed above, the Examiner asserts that:

“a wireless telephone or cellphone is configured to be interchangeable within or upgradeable from or integrable as part of a personal computer/laptop or remote portable player station and has a biometric device/camera/web cam or second communication device that is located at the gamesite, via cellular or wireless connection or a second mode of communication through a website over the internet...” Office Action at page 6.

It is respectfully asserted that this relies on impermissible hindsight and is not supported by Veradej. The cellular telephone is a distinct object well understood in the art to be different than and distinct from a personal computer/laptop. The cell phone industry is a very large industry with great commercial success, well recognized to be different from the personal computer industry. The magnitude of each industry speaks to the underlying products upon which they are based. Disclosure of a personal computer/laptop cannot be said to teach or disclose a cellular phone.

However, this leap was necessary to support the Examiner’s rejection which, having made the disclosure of a personal computer/laptop also encompass the phone, the Examiner goes on to extrapolate:

“it would have been obvious at the time of invention to try an implementation in which the wireless telephone communicates with the gaming server via the internet TCP/IP wireless connection of the remote on-site portable player station or second mode of communication.”

Again, this (TCP/IP) internet connection is not a second mode of communication.

Therefore, it is submitted that Karmarkar, alone or in combination with Veradej, cannot properly be interpreted to render claim 1 obvious.

Additionally, Karmarkar, alone or in combination with Veradej, fails to teach the claim 1, limitation, as amended of “obtaining, with a verification device independent from the remote gaming terminal personal information regarding said specific player from said specific player via

a second mode of communication.” In Veradej, biometric device 34 is a peripheral that communicates through computer 34 and likewise biometric device 20 communicates through PC 10. Veradej, in other words teaches a single device (PC10) utilizing a single mode of communication.

Despite disclosing usage of other types of devices, Veradej does not teach the claimed “second communication device.” Veradej simply teaches that a first communication device can be something other than a computer.

Thus for this additional reason it is submitted that Veradej fails to rectify the lack of teachings of Karamarkar.

Claims 23 & 37: The Examiner has also indicated that claims 23 and 37 contained limitations that were not given patentable weight “because the term ‘adapted to/for’ suggests or makes optional the steps recited, does not limit a claim to a particular structure and does not limit the scope of the claim.” Office action at page 3. Claims 23 and 37 no longer contain the terms that the Examiner takes issue with and the Examiner is kindly requested to take this into account and afford the amended claim limitations and the claims patentable weight.

Independent claims 23 and 37 and the claims that depend therefrom are submitted to be allowable according to the above rationale with regard to independent claim 1.

Additionally, claim 23 has further been amended to recite, in pertinent part, “wherein said player verification program in conjunction with said second communication device receives an authorization signal from a third party player authentication center.”

Similarly, claim 37 has further been amended to recite, in pertinent part, “wherein said player verification program receives an authorization signal from a third party player authentication center.”

These amended limitations are not taught by Karmarkar, alone or in combination with Veradej and Steelberg. Steelberg does not teach “a third party player authentication center,” the proposition for which it is cited at page 11 of the Office Action. Steelberg’s teachings are

focused upon the geographical position of a user. See, e.g. the Abstract or Summary. As taught by Steelberg, the system and technique of Steelberg could be used to determine if a player near the border is on the Utah side or Nevada side. Steelberg paragraph [0007]. Steelberg's geographic determination is not equivalent to and does not teach the claim 23 limitation of "wherein said player verification program in conjunction with said second communication device receives an authorization signal from a third party player authentication center," or the claim 37 limitation of "wherein said player verification program receives an authorization signal from a third party player authentication center."

Thus, the addition of Steelberg to the combination of Karmarkar and Veradej does not cure the lack of teaching in Karmarkar and Veradej, and it is respectfully submitted that claims 23 and 37 are not obvious in light of Karmarkar, Veradej, and Steelberg.

Information Disclosure Statement

A Supplemental Information Disclosure Statement is being filed herewith. It is respectfully requested that this Supplemental Information Disclosure Statement be considered and the PTO Form 1449 be initialed and returned with the next Action.

CONCLUSION

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/Peter Mikhail/

Peter G. Mikhail
Reg. No. 46,930

P.O. Box 70250
Oakland, CA 94612-0250
510-663-1100